

# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)



## Meeting Minutes

Monday, June 22, 2009

7:00 PM

Village Hall

## Development Services & Planning Committee

*Chairman James V. Dodge, Jr.  
Trustees Brad S. O'Halloran and Edward G. Schussler  
Village Clerk David P. Maher*

## CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:00 PM.

**Present:** 3 - Trustee O'Halloran; Trustee Schussler and Chairman Dodge

## APPROVAL OF MINUTES

### 2009-0059 Approval of the May 26, 2009 Development Services and Planning Committee Minutes

I move to approve the Minutes of the Regular Meeting of the Development Services and Planning Committee of May 26, 2009.

**A motion was made by Trustee Edward Schussler, seconded by Trustee Brad O'Halloran, that this matter be APPROVED. The motion CARRIED by the following vote:**

**Aye:** 2 - Trustee O'Halloran, and Trustee Schussler

**Nay:** 0

**Abstain:** 1 - Chairman Dodge

## ITEMS FOR SEPARATE ACTION

### 2009-0240 Winterset IV Office Park Revised Plan

Director of Development Services Karie Friling reported that the petitioner, Ray Dignan, seeks approval for some Site Plan minor changes to the office complex located at 10641-10751 West 164th Lane which were approved by the Village Board on October 6, 2008.

I move to recommend to the Village Board approval of the final Site Plan titled "Revised Site Plan Winterset IV Office Park" dated 7/09/08 and revised 6/14/09 by Raymond E Derbas and Associates subject to the following conditions:

1. Dedicate to the Village the 50' right of way along 108th Avenue prior to issuance of building permits.
2. Provide a cross access easement agreement with property to south prior to issuance of building permits.
3. Provide a landscape plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval. This is to include a detail for an outdoor sitting area to be located to the rear of building 'A'. Also to be included is a tree survey and Mitigation Plan for all existing trees that will be impacted by construction and that exceed 4" in diameter.
4. All engineering related items are met.

**A motion was made by Trustee Brad O'Halloran, seconded by Trustee Edward Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:**

**Aye:** 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

**Nay:** 0

#### **2009-0287 Community Honda Sales Tax Sharing Agreement**

Director Friling reported that the Village has received a request from Community Honda of Orland Park to participate in the Mayor's Business Retention and Expansion program. This program provides for the sharing of incremental sales tax dollars with the expanding business for a period of five years.

Community Honda is proposing an expansion that will result in the acquisition of additional property that will allow additional car sales and service. They are currently in the approval process for their amendment to their existing Special Use and Site Plan. This approval will come to the Committee for review and approval at the end of July.

Community Honda has released their previous sales information to the Village, as required under the conditions of the program. This information is required to be kept confidential but has been reviewed by Village staff. Community Honda is requesting sharing (50/50 split) of any incremental sales tax revenues, up to \$200,000 for a period not to exceed five years. This request is consistent with program requirements. The incentive will be paid quarterly, as incremental revenues are generated.

I move to recommend to the Village Board of Trustees approval of a Sales Tax Sharing Agreement with Community Honda of Orland Park, as outlined above, to assist with their business expansion plans.

**A motion was made by Trustee Edward Schussler, seconded by Trustee Brad O'Halloran, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:**

**Aye:** 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

**Nay:** 0

#### **2009-0258 Southmoor Commons Discussion of Potential Uses and Restricted Uses**

Director Friling stated this item was on the May 26, 2009 Development Services and Planning Committee but was asked to be continued to tonight's meeting.

Southmoor Commons (131st & LaGrange) was approved as an upscale shopping center during the Palos Country Club annexation and plan review process. A list of specific uses was approved, resulting in the prohibition of other uses that might

normally be in a shopping center. That list was amended by the Village Board on May 18, 2009 to permit medical offices. Committee Chairman Dodge expressed concern over potential loss of new businesses and requested that a separate discussion of restrictive land uses be added to the May 26 Committee agenda.

Normally, the Village relies on the different zoning districts to control land use. There have been some exceptions in the past, including Southmoor Commons. Another exception is some of the older business/industrial parks that had many specific restrictions and requirements. At the time, apparently the Village had a plan for those areas to develop a certain way. Since then, circumstances have changed and exceptions to those restrictions have been sought and given. The MFG District has been amended along the way to reflect changes in Village goals and in the general environment. Looking ahead, the Main Street Triangle is proposed for restrictive uses rather than simply deferring to the Village Center Zoning District.

Issues to consider include potential lost businesses, additional confusion of numerous exceptions and additional requirements, time and resources needed to research and enforce exceptions and additional requirements, adequacy of zoning district language, level of desired flexibility, and maintenance of an area's desired character.

Chairman Dodge stated his concerns regarding how these types of amendments on potential and restricted uses will be controlled.

Director Friling suggested permitted uses be set by the zoning districts. The Village is now down to two main parcels, but as the Village moves forward, it will be agreed in the future not to amend any uses.

Trustee Schussler asked how many other areas within the Village have this special use.

Director Friling stated there are two, the Main Street Triangle and Southmoor. Under the former Main Street Triangle Development Agreement the Village has with Related, there are restrictions that the Village has sign off on certain uses. That is the Village controlling that development as oppose to a private development.

Trustee Schussler stated his choice would be to eliminate special status and let it fall under the zoning ordinance.

Trustee O'Halloran agreed with Trustee Schussler.

Chairman Dodge stated the direction for the Board is to eliminate special status and let potential uses and restricted uses fall under the zoning ordinance.

**This matter was for discussion only. NO ACTION was taken.**

## **2009-0246 Swimming Pools - Lot Coverage and Storm Water Detention**

Director Friling reported that on April 20, 2009, the Village Board requested additional information regarding lot coverage and storm water detention requirements for swimming pools. Specifically, staff has requested to analyze the issue of allowing a portion of the swimming pool surface area to be considered pervious when calculating lot coverage.

This issue was originally discussed in the Spring of 2006 and resulted in an additional 5% lot coverage to be allowed for accessory structures. This code change was recommended in lieu of allowing a credit for swimming pool surfaces.

The recommendations were to allow a 5% increase (from 35% to 40%) in lot coverage for accessory structures including swimming pools or allow a portion (50%) of the swimming pool surface area to be considered pervious when calculating lot coverage. Since there are several variables associated with allowing a certain percentage of swimming pools to be considered pervious, such as depth of available storage, direct connection to storm sewers, dedicated overland flow routes, presence of pool covers, etc., Christopher B. Burke Engineering, Ltd (CBBEL) recommended, and the Village ultimately approved, the option to increase the lot coverage by 5%.

Trustee Schussler summarized that the committee has already addressed the issue and the decision has been made to allow a higher percentage in pervious as compensation for the swimming pool and additional surface area that retains some water.

Christopher Burke's Engineer Travis Parry was present and explained the swimming pools and lot coverage calculations, as stated in (EXHIBIT A) memos attached dated May 7, 2009 and April 10, 2006.

Chairman Dodge requested a policy for the accessory. His thoughts are if it is under the roof it's the house and here is the percentage. Regarding the accessory, a homeowner would receive a certain amount of credit that they can work with. For example, if the homeowner decided to have an asphalt drive, that would take up most of their credits; if they decided to have a paver stone driveway instead they would see those credits and it would be less. If they constructed a pool, it would show what that credit would be, and so on.

Chairman Dodge requested that Director Friling prepare options, as simple as possible; so that rules could be applied to a lot, instead of doing a case by case analysis.

Director Friling questioned if the Committee would like a number for the structure

and a number for the accessory structures.

Chairman Dodge stated they would like a number for the house or the attached garage and then a number for the accessory.

Chairman Dodge stated he would like the homeowner to see the different calculations of lot coverage and then they would choose if they want a pool, or not; or if the homeowner would want the paver stone, or not. The homeowner then would be able to make this decision.

**This matter was for discussion only. NO ACTION was taken.**

#### **2009-0047 Building Code Review**

Director Friling reported that The Village of Orland Park currently utilizes the 2006 edition of the International Building Code as the basis for its construction standards. This IBC Code is a recognized model code for minimum standards throughout the USA.

Over the past 52 years, The Village's has increased its model code minimum standards with 83 pages of revisions (deletions and amendments) in Title 5 Chapter 1 of Village Code. Our 1st building code ordinance was adopted in 1957 under ordinance #160.

A review of building code amendments has been requested for their excessive restrictions and possible changes allowing more design options while maintaining an equal level of safety to a building constructed within the Village.

Staff has examined 7 potential areas for consideration. Changes include: exterior wall materials, residential condominium floors, interior tenant walls, building "fire walls" (can separate 1 building into 2 or more buildings), building area calculations, areas for fire sprinklers and fire alarms within buildings for new construction.

Staff has met with representatives of the Orland Fire Protection District to solicit their input. As a result of this collective effort, staff is recommending that 5 items in the evaluation be amended to reflect the proposed changes.

The local changes from our existing ordinance are limited and are expected to maintain existing building quality standards. The revisions include an overview and table summarizing: the "Existing Amendment", the Existing IBC Code" language (if any and without amendments), and "Comments" giving alternatives and/or explanations.

Building Division Manager Nick Klimenko summarized the five possible code revisions and answered questions that the Committee members had.

I move to recommend the approval of proposed amendments in Title 5, Chapter 1, for changes in the Orland Park Building Code.

**A motion was made by Trustee Brad O'Halloran, seconded by Trustee Edward Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:**

**Aye:** 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

**Nay:** 0

## **2009-0288 Wireless Communication Facility Shelters on Public Lands**

Director Friling reported that the wireless communication providers and carriers have recently been petitioning the Village of Orland Park to co-locate on top of Village-owned water towers. Some carriers and providers have proposed communication shelters to house the ground equipment associated with the co-located antennae equipment on the tower under the water towers on public land. The shelters are essentially small buildings that are built on and fastened to slabs of concrete. The shelters typically carry dimensions of 30 feet by 12 feet for a single tenant. Shelter appearance is typically characterized by a beige or brown color with utility doors, no windows, a flat roof with antennae and exhaust systems (shelters house generator equipment for guaranteed electrical power service).

These proposals raise a policy question over whether the Village will permit small "temporary" structures for specific private uses on public land. In almost all zoning districts, these shelters require a special use because they are categorized under the "utility sub-station" classification.

### **Options for the Village**

If the Village allows such buildings for private use to locate on public land, the following things can be requested:

1. **Masonry Structure.** The shelter must be made of masonry materials that are similar to existing Village-owned utility buildings and pump or booster stations.
2. **Native Landscaping.** The Village can require the carriers to install native landscaping or do various environmental improvements.
3. **Renewable Energy.** The Village can require the carriers to install renewable energy sources like solar panels or wind turbines etc. to offset the sub-station's power requirements and provide clean renewable energy into the energy grid.
4. **Multi-Tenant Structure.** The Village can require the carriers to construct the masonry building to house multiple tenants, avoiding multiple ground equipment enclosures on site or multiple shelters.

5. Compensation. The Village can determine what the proper monetary compensation is for the use of the public land. The Village can consider selling the land or leasing the land at a specific rate. The lease or rent rate can be determined by the Village Board.

A proposed site plan by a Wireless Communication Provider (Verizon Wireless) indicating a shelter under Water Tower 8 at approximately 15501 Park Station Boulevard, near the Colette Highlands subdivision. Often Village water-towers are deep inside neighborhoods or in very visible locations. The appearances and site planning of the shelters are important elements to consider for neighborhoods during the co-location review process.

Trustee O'Halloran asked why at this time was there a need for additional space. Has there been a change in equipment or technology.

Chad Gargrave of Black & Beach Engineering Firm was present to answer any questions the Committee may have. Mr. Gargrave was present on behalf of Verizon Wireless (he is Verizon's agent).

Mr. Margrave stated regarding Trustee O'Halloran's question, Verizon is continually testing their network and they find spaces where coverage or capacity is lacking. People are relying on their mobile phones more and more and there is a need for coverage.

Trustee O'Halloran asked if the Village has any agreement with Verizon.

Assistant Village Manager Baer stated the Village does not have any agreements with Verizon. Currently, the Village has agreements with T-Mobile and Sprint for multiple water towers.

Trustee O'Halloran stated what Mr. Gargrave is requesting is for both Verizon and U.S. Cellular.

Mr. Gargrave stated that Verizon and U.S. Cellular always at their sites have a shelter.

Trustee O'Halloran asked if what is being proposed is Verizon would install an antenna and U.S. Cellular would also install its own antenna. Then two leases would be needed on one structure.

Mr. Gargrave stated that is correct.

Trustee Schussler stated he does not have a problem with this request. It would be another source of revenue for the Village. The only question is will this be a



building that the Village builds and leases or is the Village going to spec it out and have the wireless companies build the shelter.

Assistant Village Manager Baer stated this is something staff will look into.

Chairman Dodge stated he likes the idea of the Village being in control of the asset.

Assistant Village Manager Baer stated that the Village of Oak Park Terrace had the wireless companies build the shelter and then the wireless company turned the shelter over to the Village after it was built.

Chairman Dodge stated he would be in agreement to that.

Trustee Schussler also stated he would like to review the options for the building of the shelter, but agrees there is a need for additional antennas within the Village.

No motion recommended.

**This matter was for discussion only, NO ACTION was taken.**

#### **ADJOURNMENT - 7:30 PM**

**A motion was made by Trustee Edward Schussler, seconded by Trustee Brad O'Halloran, that this matter be ADJOURNED. The motion CARRIED by the following vote:**

**Aye:** 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

**Nay:** 0

/nm

APPROVED:

Respectfully Submitted,

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**David P. Maher, Village Clerk**